

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Investigation of Tariffs Filed by ACS of)
Anchorage, Inc., and the National Exchange)
Carrier Association)
)
December 17, 2001)
MAG Access Charge Tariff Filings)

CC Docket No. 02-36

CCB/CPD No. 01-23



ORDER

Adopted: March 1, 2002

Released: March 1, 2002

ACS Direct Case Due: March 21, 2002

NECA Direct Case Due: March 28, 2002

Oppositions Due: April 4, 2002

Rebuttals Due: April 9, 2002

By the Chief, Competitive Pricing Division:

1. On February 21, 2002, ACS of Anchorage, Inc. (ACS), filed a request for an extension of time from March 7, 2002, to March 29, 2002, in which to file its direct case in the above-captioned proceeding.¹ On February 27, 2002, General Communication, Inc. (GCI) responded with a request that, if we grant ACS an extension of time, we extend the time for other parties as well. For the reasons discussed below, we grant ACS a limited extension to March 21, 2002, to file its direct case. The direct case of the National Exchange Carrier Association (NECA) will be due on March 28. Oppositions to the direct cases will be due on April 4, 2002. ACS and NECA may file rebuttal comments on April 9, 2002.

2. On December 31, 2001, the Competitive Pricing Division (Division) suspended for one day access tariffs filed by, *inter alia*, ACS and the National Exchange Carrier Association (NECA) in response to the *Rate-of-Return Access Charge Reform Order*,² imposed an

¹ *ACS of Anchorage, Inc. Request for an Extension of Time to Submit Direct Case*, CC Docket No. 02-36 (filed Feb. 21, 2002) (*Petition*).

² *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, CC Docket No. 00-256, Second Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 19613 (2001) (*Rate-of-Return Access Charge Reform Order*). "Rate-of-return" carriers are permitted to earn no more than a Commission-prescribed return on the (continued....)

accounting order, and initiated an investigation into the lawfulness of the rates contained in the tariff filings.³ On February 15, 2002, the Division released an order designating the issues for investigation in connection with the rates in tariffs that ACS and NECA filed to become effective January 1, 2002.⁴ These tariff filings implemented certain access charge reforms adopted by the Commission in the *Rate-of-Return Access Charge Reform Order*. Specifically, pursuant to sections 204 and 205 of the Communications Act of 1934, as amended (the Act),⁵ the Division designated for investigation whether ACS: (1) used the appropriate baseline revenue requirement in making its December 17 tariff filing; (2) correctly determined the line-port costs to be reallocated to the common line category; (3) correctly reallocated the transport interconnection charge (TIC) among the access categories; and (4) developed access charge rates that reflect the appropriate baseline revenue requirement and the reallocations thereto. Due to the interrelationship between ACS's individual tariff and the tariff for the NECA common line pool, the Division also designated for investigation issues regarding NECA's common line rate development as it relates to the costs shifted to the NECA common line pool by ACS's reallocation of line-port and TIC revenue requirements. Pursuant to the *Designation Order*, ACS's direct case is due on March 7, 2002, with NECA's direct case being due on March 14, 2002. Oppositions to the direct cases are due on March 21, 2002, with rebuttals being due on April 2, 2002. By statute, the Commission must conclude the investigation within five months.⁶

3. In support of its request for an extension of time in which to file its direct case, ACS asserts that it "would be virtually impossible for ACS to assemble a complete, detailed, and accurate response" to the issues in the *Designation Order* by March 7.⁷ ACS states that the *Designation Order* raised "four issues of extraordinary complexity" that require a detailed analysis of ACS's interstate access rates and revenue requirements.⁸ It contends that it has only a limited number of employees with the expertise to compile the data the Commission requests, and that all of these employees are currently fully committed to responding to a comprehensive review of ACS's intrastate rates being conducted by the Regulatory Commission of Alaska (Alaska Commission). ACS states that the Alaska Commission has scheduled a hearing from

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investments that they make in providing interstate exchange access services. See generally 47 C.F.R. § 65.700 *et seq.*

³ *December 17, 2001 MAG Access Charge Tariff Filings*, CCB/CPD File No. 01-23, Order, DA 01-3023 (Competitive Pricing Division, released Dec. 31, 2001), *Erratum*, DA 01-3032 (Competitive Pricing Division, released Dec. 31, 2001) (collectively *Suspension Order*). The Division subsequently reconsidered the *Suspension Order* and terminated the investigation of, *inter alia*, a portion of the NECA tariff. *December 17, 2001, MAG Access Charge Tariff Filings*, CCB/CPD No. 01-23, Order on Reconsideration, DA 02-234 (Competitive Pricing Division, released Jan. 30, 2002).

⁴ *Investigation of Tariffs Filed by ACS of Anchorage, Inc., and the National Exchange Carrier Association*, CC Docket No. 02-36, CCB/CPD File No. 01-23, Order Designating Issues for Investigation, DA 02-371 (Competitive Pricing Division, released Feb. 15, 2002).

⁵ 47 U.S.C. §§ 204 and 205.

⁶ 47 U.S.C. § 204.

⁷ *Petition* at 1.

⁸ *Id.*

March 4 to March 15, 2002, on the intrastate local exchange and exchange access rates charged by ACS and its local exchange carrier affiliates. ACS indicates that it believes that the additional time will vastly improve the quality of its responses to the Commission's questions because, after the conclusion of that hearing, ACS will be able to dedicate all personnel and resources necessary to assemble a careful, complete, and accurate direct case in this proceeding within two weeks. ACS states that it cannot do so within the time allotted by the Commission.

4. We hereby grant ACS a limited extension of time to March 21, 2002, in which to file its direct case. Given that the Commission must address tariff investigations within five months, we conclude that an extension of time until March 21, 2002, for ACS to file its direct case will serve the public interest by giving it additional time to prepare a complete response to the issues raised, while still permitting the Commission adequate time to resolve the issues designated for investigation.

5. As requested by GCI, we also extend the other comment dates. NECA's direct case will be due on or before March 28, 2002. Any oppositions to the direct cases will be due on or before April 4, 2002. Rebuttals may be filed on or before April 9, 2002.

6. ACCORDINGLY, IT IS ORDERED that, pursuant to sections 4(i), 4(j), 201(b), 204(a), and 205 of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), 201(b), 204(a), and 205, and sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, the request for an extension of time to file its direct case filed by ACS of Anchorage, Inc., IS GRANTED TO THE EXTENT INDICATED HEREIN.

7. IT IS FURTHER ORDERED, that the time for NECA to file its direct case, as well as the dates for opposition and rebuttal comments, ARE EXTENDED AS SET FORTH HEREIN.

FEDERAL COMMUNICATIONS COMMISSION

Tamara L. Preiss
Chief, Competitive Pricing Division